
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

Jeffrey L. Viken United States Chief Judge Presiding

Courtroom Deputy - KLE
Courtroom - RC #1

Court Reporter – Judy Thompson
Date – January 8, 2019

5:18-cr-50117-01

United States of America

Plaintiff,

vs.

Henry Chase Alone
a/k/a Henry Black Elk

Defendant.

Megan Poppen

Jennifer Albertson

TIME HEARING SCHEDULED TO BEGIN: 9:00 a.m.

TIME:

8:58 a.m. Enter Jury Trial before the Honorable Jeffrey L. Viken, United States Chief Judge, presiding.

The Court introduces the courtroom staff. Attorneys and defendant introduced.

The Clerk reads the oath to all prospective jurors present in the courtroom.

The Clerk calls 31 jurors forward to the jury box.

The Court conducts voir dire.

10:12 a.m. Court in Recess.

10:29 a.m. Court Resumes.

Ms. Poppen conducts voir dire on behalf of the government.

Ms. Poppen passes the jury for cause.

Ms. Albertson conducts voir dire on behalf of the defendant Henry Chase Alone.

Ms. Albertson passes the jury for cause.

The Court gives a recess instruction to all potential jurors.

11:52 a.m. Court in recess until 1:30 p.m.

1:34 p.m. Court resumes.

The Court inquires of the jurors one last time.

The Clerk supervises the strike down of the jury.

The Clerk announces the names of the 13 jurors chosen to try the case.

The Clerk administers the oath to the jurors.

1:55 p.m. Court in Recess.

2:07 p.m. Court resumes in the presence of the jury.

The Court reads the jury instructions.

Ms. Poppen gives an opening statement on behalf of the government.

Ms. Albertson gives an opening statement on behalf of Henry Chase Alone.

2:58 p.m. Court in Recess.

3:17 p.m. Court resumes in the presence of the jury.

Jesse Fagerland, Investigator, affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

The Court gives a cautionary instruction to the jury.

Jurors excused.

The Court addresses counsel as to a witness.

4:36 p.m. Court in recess until 9:00 a.m. Wednesday January 9, 2019.

Wednesday January 9, 2019

9:00 a.m. Court resumes in the presence of the jurors.

Jesse Fagerland, Investigator, affirmed as a witness on behalf of the government.
Direct Examination by Ms. Poppen continues

Jurors excused.

Ms. Poppen addressed the Court as to a reconsideration on ruling on allowing additional videos. The Court inquires further. Ms. Poppen responds. Ms. Albertson replies. The Court rules.

Ms. Poppen addresses the Court as to three exhibits. Ms. Albertson does not object. The Court responds.

Displaying of Child Pornography is addressed.

10:31 a.m. Court in Recess.

10:46 a.m. Court resumes in the presence of the jury.

Jesse Fagerland, Investigator, affirmed as a witness on behalf of the government.
Direct Examination by Ms. Poppen continues
Cross Examination by Ms. Albertson
Re-Direct Examination by Ms. Poppen
Re-Cross Examination by Ms. Albertson

G.R.N. affirmed as a witness on behalf of the government.
Direct Examination by Ms. Poppen

11:48 a.m. Court in recess until 1:30 p.m.

1:34 p.m. Court resumes in the presence of the jury.

G.R.N. resumes the witness stand on behalf of the government.
Direct Examination by Ms. Poppen continues
Cross Examination by Ms. Albertson
Re-Direct Examination by Ms. Poppen

N.H. affirmed as a witness on behalf of the government.
Direct Examination by Ms. Poppen
Cross Examination by Ms. Albertson

Tiana Featherman, OST Police Officer, affirmed as a witness on behalf of the government.
Direct Examination by Ms. Poppen
Cross Examination by Ms. Albertson

Re-Direct Examination by Ms. Poppen

2:40 p.m. Court in Recess.

2:56 p.m. Court resumes in the presence of the jury.

Hollie Strand, forensic interviewer, affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

3:44 p.m. Court in Recess.

4:00 p.m. Court resumes in the presence of the jury.

Hollie Strand, forensic interviewer, resumes the witness stand on behalf of the government.

Direct Examination by Ms. Poppen continues

Cross Examination by Ms. Albertson

Re-Direct Examination by Ms. Poppen

The Court gives a cautionary instruction. Ms. Poppen reads a stipulation into the record.

Kirsten Dixon affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

Cross Examination by Ms. Albertson

Jurors excused.

The Court reviews supplemental jury instructions and verdict form with counsel. There are no objections.

Closing argument times are discussed.

4:39 p.m. Court in recess until 9:00 a.m. Thursday January 10, 2019.

Thursday January 10, 2019

8:59 a.m. Court resumes in the presence of the jury.

Molly Raber affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

Cross Examination by Ms. Albertson

The Government rests it's case in chief.

Jesse Fagerland, Investigator, affirmed as a witness on behalf of the defense.

Direct Examination by Ms. Albertson

Cross Examination by Ms. Poppen

Re-Direct Examination by Ms. Albertson

The defense rests it's case in chief.

Jurors excused.

Ms. Albertson argues for a motion of judgment of acquittal on behalf of Henry Chase Alone. Ms. Poppen responds.

The Court denies the motion for judgment of acquittal.

Jurors return to the courtroom.

Ms. Poppen gives a closing argument on behalf of the government.

Ms. Albertson gives a closing argument on behalf of Henry Chase Alone.

Ms. Poppen gives a rebuttal portion of closing on behalf of the government.

The Court reads the supplemental instructions to the jury.

The alternate juror is excused.

The Clerk administers the oath to the Court Security Officer to keep the jury during deliberations.

Jury retires for deliberations.

10:12 a.m. Court in Recess.

12:33 p.m. Court resumes outside the presence of the jury.

The Court notes receiving a jury note at 12:24 p.m. "Could we please get testimony transcript"

The Court will respond in writing referring the jurors to the jury instructions. No objection by counsel.

12:41 p.m. Court in Recess.

2:43 p.m. Court resumes outside the presence of the jury.

The Court notes receiving a sequence of jury notes. The first note was received at 2:24 p.m. and states “On count 2 we are split. We are deadlocked. How do we proceed?”

The second note was received at 2:40 p.m. and states “Please disregard previous note”

A third note was received at 2:43 p.m. and states “We the jury have reached a verdict.”

Jurors enter the courtroom.

The Court inquires if the jury has reached a unanimous verdict.
The foreperson answers in the affirmative.

The Clerk reads the verdict as follows,
Comes now, the jury and returns its verdicts and find the defendant Henry Chase Alone **guilty of Sexual Exploitation of a Minor as charged in Count I and Count II** of the indictment. The jury finds Henry Chase Alone **guilty of Aggravated Incest as charged in Count III of the indictment.**

Jurors are polled.

The Court thanks the jury for their work and excuses them.

The Court will enter a sentencing scheduling Order.

The defendant is remanded to the custody of the United States Marshals Service.

2:52 p.m. Court Adjourned.